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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RUSSELL COHEN,)	3:05-CV-0438-ECR (RAM)
)	
Plaintiff,)	
)	<u>REPORT AND RECOMMENDATION</u>
vs.)	<u>OF U.S. MAGISTRATE JUDGE</u>
)	
MELVIN BAHLIS, et al.,)	
)	
Defendants.)	
_____)	

This Report and Recommendation is made to the Honorable Edward C. Reed, Jr., Senior United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

Plaintiff has filed a Motion for Emergency Injunction Against (Ely State Prison Officials) Defendant(s)/Their Agents (Doc. #55). Defendants have opposed Plaintiff's Motion and moved to strike (Doc. #60) and Plaintiff has replied (Doc. #64).

In his Motion, Plaintiff claims that some unidentified persons confiscated his typewriter and that it causes Plaintiff a hardship because he is physically unable to handwrite all of the legal material he needs to support his various lawsuits. The Motion is not properly brought in this case and should be denied.

First, the only issue in this case is whether the named Defendants have retaliated against Plaintiff by taking actions that chill his First Amendment right to file grievances (Doc. #54). Plaintiff makes no allegation in his Motion that the taking of his typewriter had anything to do with that issue.

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1 Second, Plaintiff has not alleged in his Motion that any of the named Defendants in this
2 case had any involvement in the taking of his typewriter.

3 Third, Plaintiff has failed to avail himself to the prison grievance process prior to filing this
4 Motion.

5 Since the taking of Plaintiff's typewriter has nothing to do with the issue or the Defendants
6 in this case, if Plaintiff wishes to pursue that issue, he should go through the grievance process,
7 and if not satisfied with the result, file a new action against the individuals involved in the taking.

8 RECOMMENDATION

9 IT IS HEREBY RECOMMENDED that the District Judge should enter an order denying
10 Plaintiff's Motion for Emergency Injunction (Doc. #55). The order should also deny Defendants'
11 Motion to Strike (Doc. #60) as moot.

12 DATED: May 24, 2007.

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UNITED STATES MAGISTRATE JUDGE
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